

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Crl.Rev.Pet.No. 530 of 1997()

CC.110/1991 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, NEYYATTINKARA
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REVN. PETITIONER: PETITIONERS, ACCUSED 7, 9, 10 AND 11

1. KOMALAKUMARAN NAIR
ATTUKAL VEEDU
NARUVAMMOODU, PALLICHAL, TRIVANDRUM.
2. D.CHANDRASEKHARAN NAIR
KALLUVILAKATHU VEEDU
'VAISAKH', NARUVAMMOODU P.O., TRIVANDRUM.
3. KARUNAKARAN NAIR, SINDHU BHAVAN, - DO-
4. MOHANAN NAIR,
S/O.VELAPPAN PILLAI
VARUVILAKATHU VEEDU, NARUVAMMOODU -DO-

BY ADV. SRI.V.G.ARUN.

RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 05/06/2007, ALONG WITH CRRP NO.549 OF 1997 THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.530 of 1997

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Crl.R.P.No.549 of 1997

Dated this the 5th day of June, 2007

O R D E R

Revision petitioners in Crl.R.P.No.530/1997 are the accused 7, 9, 10 and 11 in C.C.No.110/1991 in the file of the Judicial First Class Magistrate Court I, Neyyattinkara. Revision petitioners in Crl.R.P.No.549/1997 are the accused 1 and 3 therein.

2. It is submitted that A1 is no more. Revision petitioners has sought for setting aside the order of the court below dated 12.5.1997 framing charges for the offences under Sections 467, 468, 408, 420 read with Section 34 IPC and refiling the cases into 5 different cases. It is submitted the matter is related to misappropriation of the amounts of a Co-operative Society for the period from 20.6.1972 to 25.6.1987. The revision petitioners are the office bearers of the above society. It is further pointed out that the charge was laid and the case was posted for appearance on 5.9.1991. The trial was

protracted up to 19.10.1996 and the witnesses were examined and 313 of the accused were recorded and the matter was heard. It is thereafter on 12.5.1997, the court have sought for reframing the charges and split up of the case into 5 separate cases and then as per the order, the prosecution is directed to furnish adequate number of copies of relevant records to the accused to conduct trial afresh. I find that Crime No.141/89 is of the year 1989 and the matter has been protracted up to May 1997.

3. In the circumstances, I find that the impugned order cannot be sustained. The same is set aside. The court below is directed to dispose of the case after hearing the prosecution and the accused on the basis of the evidence already adduced in the matter. The matter stands posted before the court below on 27.6.2007.

The criminal revision petition is disposed of as above.

**K.R.UDAYABHANU,
JUDGE**